

Serial No. 09/829,245
PD000020

Customer No. 24498

Remarks/Arguments

Claims 1-10, 12-13 are pending.

Claims 1-10, and 12-13 are pending.

Claim 11 is cancelled.

Claims 1 and 9 are amended to recite an additional element of defining a second preferred language, Support for this amendment is found in the specification on page 5, lines 22 to page 6, line 1 of the specification.

Claims 2-4 and 10 are amended for language consistency with Claim 1 and 9, respectively.

Claim 7 is amended to claim a technical element of receiving only audio data. Support for this amendment is found in the specification on page 7, lines 4-14 of the specification.

No new matter has been entered in view of these amendments.

A. 35 U.S.C. 102(e) Rejection of Claims 1-4, 6, 7, 9, 10, 12, and 13

The Examiner rejected Claims 1-4, 6, 7, and 9, 10, 12, and 13 as being anticipated under 35 U.S.C. 102(e) by Malkin et al. (U.S. Patent # 6,317,795, hereafter referred to as 'Malkin'). Applicants disagree with the Examiner's rejection.

As amended, Claim 1 now claims that the invention operates in view of a preferred language and a second preferred language. This additional element of a second preferred language is neither disclosed nor suggested in Malkin (see Malkin, col. 18, 54-59). That is, the reference does disclose the use a single language (such as Chinese, Spanish, etc.) but not two languages, as claimed in Claim 1.

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That is, Malkin is a reference that specifies how a video/audio system performs a masking or modifying operation of a video/audio stream by providing either masking or providing alternative video/audio information according to a ratings profile. For example, the system will provide a non-nude version of a movie if a person's profile specifies that they don't want nudity in their programming. The system of Malkin however does not disclose or suggest how to operate the system with two different language selections. The reference only suggests that the system of Malkin may supply a language track in accordance with a user's profile.

Presumably, Malkin does not directly disclose that the language selection is a replacement for original audio information (as indicated for Claim 1). That is, the suggestion in Malkin in that the profile will actually provide the specified language as the "original" audio data. That is the present invention allows provides a system that replaces original audio data, versus Malkin that would supply the selected language in a profile as the "original audio data".

In addition, as recited above, Malkin does not disclose or suggest a prioritization between a preferred language and a second preferred language

The same rationale for Claim 1 also applies to Claim 9 that is an apparatus claim version of method Claim 1.

The technical features of Claim 7 where "received audio data represents only the voice audio of said program such that said data only replaces voice audio that is part of the original audio of said program" is neither disclosed or suggested in Malkin.

For the forgoing reasons given above, Applicants assert that Claims 1 and 9 are patentable. In addition, Applicants assert that Claims 2-4, 6-7, 12 and Claim 10 are patentable; as such claims depend on allowable Claims 1 and 9, respectively.

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B. 35 U.S.C. 103(a) Rejection of Claim 5

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Malkin in view of Young et al (U.S. Patent # 5,353,121, hereafter referred to as 'Young').

Applicants assert that Claim 5 is patentable; as such a claim depends on allowable Claim 1. Hence, Applicants request that the Examiner remove the rejection to this claim.

C. 35 U.S.C. 103(a) Rejection of Claim 8

The Examiner rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Malkin in view of Qian et al (U.S. Patent # 6,070,167, hereafter referred to as 'Qian').

Applicants assert that Claim 8 is patentable; as such a claim depends on allowable Claim 1. Hence, Applicants request that the Examiner remove the rejection to this claim.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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